

REMARKS

Claims 1-17 remain pending in the present application. Claims 1, 3 and 4 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

Regarding Application No. 10/717,357, that application was mistakenly filed with an incorrect declaration and thus incorrect inventors. Applicants decided to allow that application to be abandoned and refile the application (this application) with the correct declaration.

REJECTION UNDER 35 U.S.C. § 102 / § 103

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vermolen, et al. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vermolen, et al. in view of de Molina.

Applicants have amended Claim 1 to define the valve as regulating fluid flow between the two chambers through a fluid passage. A membrane is movable between a first position where the fluid passage is open and a second position where the fluid passage is closed. The membrane defines an aperture to allow a specified amount of fluid flow between the chambers when the membrane closes the fluid passage (second position).

Vermolen, et al. includes a hole 106, but hole 106 does not allow fluid flow between the two chambers. When shim disc 78 engages annular projection 96, hole 106 will permit fluid flow from aperture 98 (upper working chamber 42) to oil chamber 110. But, oil chamber 110 is not in communication with aperture 94 (reservoir chamber

48) when disc 78 engages annular projection 96. Thus, Vermolen, et al. does not disclose, teach or suggest the controlled fluid flow as is now defined in amended Claim 1.

de Molina also does not disclose an aperture in the membrane as is now defined in amended Claim 1. When discs 136 engage land 160, fluid passage 132 is closed and there is no fluid flow allowed.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-6, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 7-17 were indicated as being allowed by the Examiner.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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